

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION


No. 5:09-HC-2034-FL

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
RANDLE PORTER COOKE,)	
)	
Respondent.)	

This matter is before the court on the motion to dismiss (DE # 78) of respondent Randle Porter Cooke (hereinafter “respondent”). Petitioner has responded in opposition. The issues raised are ripe for ruling.

In support of his motion to dismiss, respondent cites two district court decisions without providing any argument or analysis of their application to this case. Subsequent Fourth Circuit opinions in the cited cases provide no basis for dismissal of respondent’s case. See United States v. Timms, 799 F. Supp. 2d 582 (E.D.N.C. 2011), rev’d, 664 F.3d 436 (4th Cir. 2012); Order of August 16, 2011, United States v. Hall, No. 5:09-HC-2083-BO, (DE # 78) (E.D.N.C. 2011), aff’d, 664 F.3d 456 (4th Cir. 2012). Accordingly, respondent’s motion to dismiss (DE # 78) is DENIED.

SO ORDERED, this the 17th day of May, 2012.



LOUISE W. FLANAGAN
United States District Judge